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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 KEITH ADAIR DAVIS,

9 Plaintiff,

v.

10 WASHINGTON STATE  
11 DEPARTMENT OF CORRECTIONS,  
et al.,

12 Defendants.  
13

CASE NO. C16-5129 BHS

ORDER DENYING MOTION TO  
AMEND OR ALTER JUDGMENT

14 This matter comes before the Court on Plaintiff's motion to alter or amend  
15 judgment filed on November 15, 2017. Dkts. 133–135.

16 Under Federal Rule of Civil Procedure 59(e), a motion to alter or amend judgment  
17 “should not be granted, absent highly unusual circumstances, unless the district court is  
18 presented with newly discovered evidence, committed clear error, or if there is an  
19 intervening change in the controlling law.” *389 Orange St. Partners v. Arnold*, 179 F.3d  
20 656, 665 (9th Cir. 1999). The rule “may not be used to relitigate old matters, or raise  
21 arguments or present evidence that could have been raised prior to entry of final  
22 judgment.” *Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008).

1 The issues cited in Plaintiff's motion to amend or alter the judgment have already  
2 been addressed by the R&R issued by the Honorable David W. Christel, United States  
3 Magistrate Judge, which was adopted by the Court's previous order. Dkts. 119, 132. The  
4 motion is **DENIED**.

5 Dated this 13th day of February, 2018.

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BENJAMIN H. SETTLE  
United States District Judge